IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1170 of 1981

For Approval and Signature:

HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

RAGHAVBHAI NARANDAS PARMAR

Appearance:

1. First Appeal No. 1170 of 1981

MR D.A. DESAI, LD. AGP for Petitioner No. 1-2

MR VC DESAI for Respondent No. 1-6

CORAM : HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 25/03/2004

ORAL JUDGEMENT

1. Learned City Civil Judge, Court No. 14, by his judgment & decree dated 12-10-1980 passed in Civil Suit

No. 2659 of 1976, held that the Notification dated 22-4-1976 issued by the State of Gujarat under section 3 of the Gujarat Slum Areas (Improvement, Clearance and Redevelopment) Act, 1973 in respect of the respondent / plaintiff's chawl declaring it to be a slum area was illegal and invalid, because there was no material before the State Government for issue of this notification, and the notification suffered from the vice of non-application of mind. State of Gujarat has therefore filed this appeal challenging the said judgment & decree.

2. Morethan 27 years have passed since the date of notification and by now, in all probability, the condition of the locality in question must have altered and the issue has probably become mere academic. Under the circumstances the appeal is dismissed as infructuous, without expressing any opinion on the issues raised and decided in the suit, leaving it open to the Government to issue a fresh notification, if necessary, in accordance with law. No order as to costs.

Dt: 25-3-2004 (M.C. Patel, J)

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